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Attorneys for Defendant

ROWLAND MARCUS ANDRADE

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROWLAND MARCUS ANDRADE,

Defendant.

Case No.: 3:20-CR-00249-RS

***EX PARTE* DECLARATION OF  
COUNSEL IN SUPPORT OF  
DEFENDANT'S MOTION FOR RE-  
ISSUANCE OF RULE 17(c) SUBPOENA**

I, Cindy A. Diamond, hereby state and declare:

DECLARATION OF COUNSEL IN SUPPORT OF DEFENDANT'S MOTION FOR REISSUANCE OF RULE  
17(c) SUBPOENA -

*UNITED STATES v. ANDRADE*, Case # 3:20-CR-00249-RS - Page 1

1           1. I am attorney, duly licensed to practice before this Court and in the State of California,  
2 and I am an associate attorney working for the defendant, Marcus Andrade, in the above-entitled  
3 case.

4           2. Mr. Andrade is accused as directly participating a scheme or artifice to defraud, or of  
5 aiding and abetting his co-schemer, Jack Abramoff. Abramoff has admitted fraud, and also has a  
6 federal criminal history of fraud.

7           3. Mr. Andrade seeks a re-issuance of a subpoena for Abramoff's electronic devices,  
8 which are being returned to Abramoff's attorney. The declaration setting forth the facts  
9 supporting the original motion for a Rule 17(c) subpoena is on file as ECF # 302-1. At that time,  
10 the government informed the defense it would be delivering Abramoff's electronic devices to his  
11 attorney -- as ordered on March 17, 2024 -- on or soon-after May 3, 2024. The original  
12 subpoena for this information was issued on April 30, 2024. *See* ECF # 303. I have made only  
13 one change to the subpoena requested today in Attachment-3; that is: I have narrowed the date-  
14 range of the data requested, to dates applicable to Mr. Andrade's case.

15           4. The government did not notify the defense when it was returning Abramoff's devices,  
16 on or near the beginning of May. After May 3, 2024 (the government's original chosen return-  
17 date) came and went, counsel for Mr. Andrade again contacted the government to request notice  
18 when the devices would be returned to Abramoff's attorney. Requests for notice sent on May 15,  
19 2024, and June 7, 2024, went unanswered. Another request for notice was sent on June 12, 2024.

20           5. Today, the government finally emailed Mr. Andrade's defense team in response to our  
21 request for notice of when Abramoff's attorney would receive Abramoff's devices. Thus, only  
22 today, we learned that the government has already returned some devices, and that they "will  
23 confirm tomorrow whether any devices remain to be returned." The government did not provide  
24 a date when the devices were returned.

25           6. The subpoena originally on April 30, 2024 expired on June 11, 2024.

26           7. Mr. Andrade's defense team requests the subpoena be re-issued forthwith. We will  
27 serve this subpoena as soon as possible thereafter. The subpoena could not be served until today  
28 because we could not lawfully asked Abramoff's attorney to produce what he does not yet have.

1 Since we have just now learned that the government delivered the devices to Abramoff's  
2 attorney, the time to serve this subpoena is now ripe.

3 I declare under penalty of perjury under the laws of the United States of America, that the  
4 foregoing is true and correct to the best of my knowledge, information, and belief. Executed this  
5 13th day of June, 2024.

6 /s/

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8 CINDY A. DIAMOND  
9 Declarant  
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